

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 Jefferson Robert Frank
 DOB: XX/XX/1984, SSN: XXX-XX-9174

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JUN 25 2021

Case No. 21-MR-862

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):
 Jefferson Robert Frank, date of birth XX/XX/1984, social security number XXX-XX-9174

located in the _____ District of New Mexico, there is now concealed (*identify the person or describe the property to be seized*):

DNA samples in the form of buccal swabs from the person identified above, fingerprints, palmprints

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

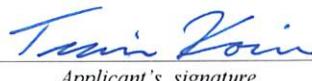
- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(g)(1)	Felon in possession of a firearm

The application is based on these facts:
 See attached affidavit hereby incorporated by reference as if fully restated herein.

- Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
 under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Travis Kosir, Special Agent

Printed name and title



Judge's signature

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: June 25, 2021

City and state: Farmington, NM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:
The person of Jefferson Robert Frank, DOB
XX/XX/1984, SSN XXX-XX-9174.

Case No. 21-MR-862

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, Travis Kosir, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of Jefferson Robert FRANK, date of birth: XX/XX/1984, social security number XXX-XX-9174, for the purpose of obtaining deoxyribonucleic acid (DNA) and major case prints by collecting oral (buccal) swab samples and fingerprints according to the standard practices and procedures employed by the FBI for DNA and fingerprint testing and comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that FRANK violated federal criminal statutes, including but not limited to United States Code Title 18 §922(g)(1), that being a felon in possession of a firearm, and that FRANK's DNA and fingerprints will provide evidence of such crimes.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been employed as such since March 2016. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as murder, robbery, arson, aggravated assault, and sexual assault as well as other federal crimes that occur outside of Indian Country. I am trained and have experience in the investigation of violent crimes and crimes involving firearms and narcotics. I have served arrest and search warrants and am authorized to investigate violations of the laws of the United States

and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

PROBABLE CAUSE

5. On or about April 21, 2021, the Farmington Resident Agency of the FBI was notified of a New Mexico State Police (“NMSP”) investigation involving Gabriel Donovan YOUNG with year of birth 1994 (referred to herein as “YOUNG”), Jefferson Robert FRANK with year of birth 1984 (referred to herein as “FRANK”), and Nicholas A. MAXEY-VELASQUEZ with year of birth 1988 (referred to herein as “VELASQUEZ”). Details of the investigation revealed that on or about March 16, 2021, a law enforcement officer with NMSP conducted a traffic stop of FRANK. During the traffic stop, the officer recognized FRANK as an individual the officer had previously arrested on or about February 24, 2021 for multiple felony charges including

convicted felon in possession of a stolen firearm. FRANK stated he had a firearm on him in his front right pocket. The officer subsequently recovered a silver in color SCCY CPX-2 9mm sub-compact pistol from FRANK's front right pocket. FRANK was then interviewed by the officer during which FRANK stated the girlfriend of his friend "Gabriel" had purchased the pistol for him from Sportsman's Warehouse in Farmington, NM on or about the previous Saturday. FRANK had given money to "Gabriel's" girlfriend, later identified by NMSP law enforcement officers as Raven REYNOSA (referred to herein as "REYNOSA"), in order for her to purchase a gun. FRANK stated he drove "Gabriel" and REYNOSA to Sportsman's Warehouse in his vehicle to purchase the firearm.

6. FRANK informed the interviewing NMSP officer that he had scratched the serial number off the firearm but the box the firearm came in was at his house and that his mother could get the box and provide it to NMSP in order to obtain the serial number. The officer contacted FRANK's mother and arranged for her to bring the firearm's box to the NMSP office in Farmington, NM. FRANK's mother subsequently delivered the firearm box to the NMSP office where law enforcement officers observed a Sportsman's Warehouse purchase sticker on the exterior of the box dated March 14, 2021. The box also listed the serial number of the firearm as C116427.

7. Another NMSP law enforcement officer went to Sportsman's Warehouse in Farmington, NM where an employee looked up the serial number from the firearm box provided by FRANK's mother. The employee confirmed the firearm had been sold to REYNOSA and provided REYNOSA's address as listed on the Firearms Transaction Record. The Firearms Transaction Record showed that two small 9mm pistols had been purchased by REYNOSA during that transaction. A Transaction Detail Report from Sportsman's Warehouse (4905 E Main St Farmington, NM 87402) for March 14, 2021 details a purchase of one SCCY 9mm Luger with serial number C116427, one FN 503 9mm with serial number CV013788, and one CCI Blazer

BRS 9mm ammunition box purchased in a single transaction with REYNOSA's debit card in addition to \$244.00 cash.

8. On or about March 16, 2021, NMSP law enforcement officers drove to the address listed on REYNOSA's Firearms Transaction Record, which matched the residence FRANK described during his interview with law enforcement, in order to make contact with REYNOSA. When NMSP law enforcement officers attempted to make contact with REYNOSA at the residence, YOUNG answered the door and provided his New Mexico Identification card to interviewing officers upon request. YOUNG was alone in the residence at the time of contact. YOUNG asked the officers if they were going to run his information and if so, YOUNG would need to contact his probation officer and advise her of the situation because he was on federal probation. YOUNG informed the officers that REYNOSA was his girlfriend and was at work. YOUNG provided the location of REYNOSA's work to the officers.

9. After locating and interviewing REYNOSA at her workplace, NMSP law enforcement officers returned to the residence where YOUNG was initially contacted and conducted an interview with YOUNG after advising him of his Miranda rights. YOUNG stated he was a felon and he was not allowed to be around any weapons otherwise it would be a probation violation. YOUNG stated that FRANK was a friend of his who had asked REYNOSA if she would purchase a firearm for him. FRANK gave REYNOSA approximately \$200 cash and drove them to the store to buy the firearm. REYNOSA then purchased two pistols, one for FRANK and one for herself. YOUNG advised that he knew FRANK was a felon. The interviewing law enforcement officer asked YOUNG where the other pistol REYNOSA had purchased was located. YOUNG was initially hesitant to answer but upon being asked again YOUNG stated it was underneath the dresser inside the closet in his bedroom. The interviewing law enforcement officer asked YOUNG if the officers could retrieve the gun to which YOUNG answered "yes." The officer then located an FN 503 9mm sub-compact pistol with serial number CV013788 under the dresser described by

YOUNG which matched the serial number listed on the Firearms Transaction Record as the other firearm purchased by REYNOSA. The firearm was loaded with identical ammunition to that found in the firearm recovered from FRANK's person during the traffic stop described above. Interviewing officers removed the firearm from the residence and took it to REYNOSA at her work. Officers then drove REYNOSA to her friend's house where the officers observed her place the firearm in her friend's closet.

10. On or about March 18, 2021, YOUNG contacted NMSP dispatch and requested to speak with the law enforcement officer who had previously interviewed him. YOUNG then advised the interviewing NMSP officer that the statement he had given the day before was a lie and that FRANK did not give them any money to buy the pistol. YOUNG advised that FRANK must have stolen the pistol and likely stole two shotguns as well.

11. On or about March 19, 2021, FRANK was interviewed by NMSP law enforcement officers regarding the two shotguns in question. FRANK stated that YOUNG had asked REYNOSA to purchase the shotguns so they could use them as payment in exchange for a black Dodge Stratus from another convicted felon, later identified by NMSP as VELASQUEZ.

12. On or about March 19, 2021, YOUNG was interviewed at the NMSP office. YOUNG initially denied FRANK having given YOUNG or REYNOSA money to purchase a pistol and stated that FRANK had stolen the pistol. After being advised about all of the information found on security footage form Sportsman's Warehouse and specific information related to YOUNG's agreement with VELASQUEZ, YOUNG stated he wanted to start from the beginning. YOUNG then stated that he and REYNOSA had agreed to buy a pistol for FRANK. FRANK gave REYNOSA and YOUNG approximately \$250-\$270 cash to purchase a shotgun. REYNOSA entered the store and determined the shotguns were too expensive, so she called YOUNG on her cell phone. YOUNG relayed the information to FRANK who agreed to accept the SCCY CPX-2 9mm instead. YOUNG stated REYNOSA purchased the other black pistol for him and a box of

9mm ammunition for the guns. The three of them returned to YOUNG's residence and split the ammunition up, each getting 25 rounds. Both YOUNG and FRANK then filed off the serial number from FRANK's pistol.

13. During the same interview with YOUNG on or about March 19, 2021, YOUNG advised that he had made a deal with VELASQUEZ, who was another convicted felon, to buy a Dodge Stratus from VELASQUEZ for \$1,000. YOUNG subsequently agreed to buy VELASQUEZ two specific shotguns and some ammunition in lieu of the \$1,000 agreed upon price for the vehicle. YOUNG then asked REYNOSA to purchase the shotguns. YOUNG and REYNOSA went to Sportsman's Warehouse and purchased the two shotguns along with some ammunition which they then gave to VELASQUEZ. A Firearms Transaction Record dated March 6, 2021 listed REYNOSA as the purchaser of a Derya Arms VRPA40 12-gauge shotgun with serial number R244994 and a Hatsan USA Escort 12-gauge shotgun with serial number 820118. YOUNG later found out the vehicle he was given by VELASQUEZ had been reported stolen and requested his guns back from VELASQUEZ. VELASQUEZ instead provided YOUNG and REYNOSA a loaner vehicle until he could find another vehicle for them. REYNOSA had to give VELASQUEZ the FN 503 9mm pistol as collateral for the loaner vehicle. Following the interview, YOUNG was arrested for federal probation violation and transported to the San Juan County Adult Detention Center.

14. On or about March 24, 2021, NMSP executed a search warrant on the residence of VELASQUEZ. During the search, law enforcement officers located two packaging boxes of the reported stolen shotguns purchased by REYNOSA in addition to two rifles and multiple boxes of 12 gauge shotgun and .22 caliber ammunition.

15. On or about March 24, 2021, NMSP executed a search warrant on VELASQUEZ's vehicle after conducting a traffic stop of the vehicle during which VELASQUEZ was the only occupant. During the search, law enforcement officers located the Derya Arms VRPA40 12-gauge

shotgun and the FN 503 9mm pistol which were originally purchased by REYNOSA, along with ammunition for both guns. Following the search, law enforcement officers interviewed VELASQUEZ at the NMSP office. When asked how he came into possession of the firearms, VELASQUEZ's statements were consistent with the statement given by YOUNG.

16. YOUNG has a felony conviction for involuntary manslaughter in the United States District Court, District of Arizona based on plea agreement CR-15-8242-PCT-PGR filed 04/05/2016. YOUNG was on federal supervised release for his conviction of involuntary manslaughter (18 U.S.C. 1112 and 1153) at the time the firearm was located inside his bedroom.

17. FRANK has a felony conviction for Driving While Under the Influence of Intoxicating Liquor or Drugs (.08 or above)(fifth offense) in violation of §66-08-102(C)(1), NMSA 1978, occurring in 2017 following four prior DWI convictions.

18. VELASQUEZ has a felony conviction for possession of a controlled substance (Heroin) in violation of §30-31-23(A) NMSA 1978, occurring in 2017. As part of the plea agreement related to that offense, VELASQUEZ admitted his identity to a prior felony for forgery-issue or transfer (\$2500 or less) in Criminal Cause No. D-1329-CR-201500557 in the District Court for the County of Sandoval, New Mexico occurring in 2015.

19. Based on my training, experience, and descriptions provided by the manufacturers, I am aware that the FN model 503 9mm sub-compact pistol, the SCCY CPX-2 9mm sub-compact pistol, the Derya Arms VRPA40 12-gauge shotgun, and a Hatsan USA Escort 12-gauge shotgun are firearms as defined by federal law. I am also aware that the firearms listed above were not manufactured in the state of New Mexico.

20. Based on my training and experience, I am aware that individuals that handle firearms or ammunition may leave their DNA and/or fingerprints on the firearms, ammunition, or associated parts. All firearms and ammunition seized in relation to this investigation have been

maintained by law enforcement pending DNA and fingerprint comparison, which is the subject of this warrant application.

CONCLUSION

21. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of United States Code Title 18 §922(g)(1) felon in possession of a firearm were committed by FRANK and that evidence of such violations will be found on the person of Jefferson Robert FRANK, date of birth: XX/XX/1984, social security number XXX-XX-9174, in the form of DNA and fingerprints. Said DNA and fingerprints are relevant and material in the context of forensic evaluation with regard to establishing FRANK's possession or handling of firearms and/or ammunition recovered in relation to the present investigation.

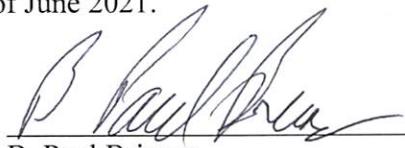
22. I respectfully request a search warrant be issued to search the person of Jefferson Robert FRANK, date of birth: XX/XX/1984, social security number XXX-XX-9174, for the purpose of obtaining deoxyribonucleic acid (DNA) and major case prints to compare with any fingerprints or DNA that are found on the firearms and ammunition mentioned above.

23. Assistant United States Attorney Samuel Hurtado reviewed and approved this affidavit for legal sufficiency to establish probable cause.


Travis Kosir

Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 25 day of June 2021.


B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Property to be Seized

From Jefferson Robert FRANK, date of birth: XX/XX/1984, social security number XXX-XX-9174 for:

1. Deoxyribonucleic Acid (DNA) Sample.
2. Major Case Prints, namely impressions of the entirety of both of Jefferson Robert FRANK's hands including prints of his palms and fingers.